

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – PRES – Sri Mohd. Abdul Shafi, Deputy Executive Engineer, PR – Treating the period from 08.12.1997 to 06.07.1998 as Compulsory Wait - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.III) DEPARTMENT

G.O.Rt.No. 61

Dated:09-01-2014.
Read the following:

1. Govt. Memo No.18687/Estt.III/A2/98-1, PR&RD (Estt.III) Department, Dated:10.6.1998.
2. G.O.Rt.No.493, PR&RD (Estt.III) Dept., dt:17.3.1999.
3. G.O.Rt.No.175, PR&RD (Estt.III) Dept., dt:7.2.2001.
4. From Sri Mohd. Abdul Shafi, AEE, PR, representation dated:26.7.2004.
5. From the Engineer-in-Chief, PR, Hyderabad, Letter No.SO/V/1/36402/1997, dated:2.2.2006.
6. Govt. Memo No. 107431/Estt.III/A2/2004-4, PR&RD (Estt.III) Department, dt:17.4.2006.
7. Orders of Hon'ble Andhra Pradesh Administrative Tribunal dated:4.7.2013 in O.A.No.1794/2010.
8. From the Engineer-in-Chief, Panchayat Raj, Hyderabad, Lr. No. Ser-V(2)/1794/2010, dated:4.9.2013.

ORDER:

It has been reported to Government that Sri Mohd. Abdul Shafi, while working as temporary Assistant Executive Engineer, proceeded on leave w.e.f. 26.3.1997 to 7.12.1997 and reported to the Engineer-in-Chief, PR on 8.12.1997 for posting orders. On the said joining report, the Engineer-in-Chief, PR has sought necessary orders from the Government for relaxation of Rules, stating that the individual was temporarily appointed AEE during 1990 and that his services were not regularised. In Govt. Memo 1st read above, Govt. have accorded permission to the Engineer-in-Chief, PR to admit the individual into duty pending relaxation of leave rules. The Engineer-in-Chief, PR, vide Office proceedings dt:16.6.1998, has issued posting orders to the individual and he joined duty on 6.7.1998. In the G.O. 2nd read above, orders were issued treating the period from 26.3.1997 to 6.7.1998 in respect of Sri Mohd. Abdul Shafi, Assistant Executive Engineer as Extraordinary Leave on Medical Grounds / Private affairs in relaxation of rule 23(a)(ii) of A.P. Leave Rules, based on the proposals received from the Engineer-in-Chief, PR. Subsequently, in the G.O.3rd read above, the Extraordinary Leave period from 26.3.1997 to 6.7.1998 was converted into Earned Leave and Half Pay Leave standing at his credit as on 26.3.1997, based on the proposals received from the Engineer-in-Chief, PR, vide his letter No.D-5(1)/36402/97, dt:8.5.2000.

2. Whereas, Sri Mohd. Abdul Shafi, Assistant Executive Engineer, in his representation 4th read above, has requested to treat the period from 8.12.1997 to 6.7.1998 as compulsory wait for posting. Government, after examining the report of the Engineer-in-Chief, PR, received in the letter 5th read above, have rejected the request of the individual for treating the period from 8.12.1997 to 6.7.1998 as compulsory wait vide Govt. Memo 6th read above.

3. Sri Mohd. Abdul Shafi, Deputy Executive Engineer, PR has filed O.A.No.1794/2010 for treating the period from 8.12.1997 to 6.7.1998 as compulsory wait and the Hon'ble Andhra Pradesh Administrative Tribunal, in its orders dt:4.7.2013, has observed that "the respondents admit the factum of delay

(p.t.o.)

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in issuing posting orders on account of correspondence between the Head of the Department and the Government in connection with relaxation of rules in favour of the applicant". The Tribunal further observed that the relaxation of leave rules has no nexus for issuing posting orders; that it is the duty of the Head of the Department / competent authority to issue posting order immediately to the incumbent who has reported to duty and; that the said authority cannot dodge the matter on the pretext that correspondence was under way between the Government and the Head of the Department". The Hon'ble Tribunal has therefore directed to treat the period from 8.12.1997 to 6.7.1998 in respect of the individual as compulsory wait for posting as per Rule 9(6) of the Fundamental Rules and also to accord all consequential benefits arising thereof.

4. Government have examined the matter and found that as per the instructions issued in Cir. Memo No.C-9101-4/8/F.R.I/91, Finance (FR.I) Department, dated:25.12.1991, if a member of service who remains absent without any leave gives a joining report it should be ensured by the competent authority that he is permitted to join immediately pending initiation of disciplinary action for unauthorised absence. There is no nexus between relaxation of rules and issuing of posting orders, as observed by the Hon'ble Andhra Pradesh Administrative Tribunal. Hence, Government, after careful examination of the matter, have decided to treat the period from 8.12.1997 to 6.7.1998 in respect of Sri Mohd. Abdul Shafi, formerly Assistant Executive Engineer, PR and now Deputy Executive Engineer, PR as compulsory wait for posting and to recover cost of the compulsory wait from the concerned in the O/o. Engineer-in-Chief, PR, since the delay is caused in the O/o. Engineer-in-Chief, PR.

5. Accordingly, Government hereby treat the period from 8.12.1997 to 6.7.1998 in respect of Sri Mohd. Abdul Shafi, formerly Assistant Executive Engineer, PR and now Deputy Executive Engineer, PR as compulsory wait for posting and direct that the cost of the compulsory wait shall be recovered from the concerned in the Office of the Engineer-in-Chief, PR, Hyderabad.

6. The Engineer-in-Chief, PR, Hyderabad shall take further action accordingly in this matter.

7. This order issues with the concurrence of Finance (FR.I) Department vide their U.O.No.31928/700/FRI/13, dt.18.12.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To

1)The Engineer-in-Chief, Panchayat Raj, Hyderabad.

Copy to:

2)Sri Mohd. Abdul Shafi, Deputy Executive Engineer, PR through the Engineer-in-Chief, PR, Hyderabad.

3)The Government Pleader for PR&RD, Andhra Pradesh Administrative Tribunal, Hyderabad.

4)The Accountant General, A.P., Hyderabad.

5)The Finance (FR.I) Department.

6)SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER